

HAMPTON PLANNING BOARD

MARCH 16, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Vice Chairman
Tom Gillick
Tom Higgins
Keith Lessard
Fran McMahon, Clerk
Cliff Pratt, Selectman Member
Mark Fougere, Interim Town Planner

ABSENT: John Harwood, Town Planner
Robert Viviano, Chairman

Mr. Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Lessard led the Pledge of Allegiance to the flag. Mr. Emerick asked Mr. Pratt to chair the meeting during the reorganization of the Board.

I. REORGANIZATION OF BOARD

MOVED by Mr. Gillick to nominate Mr. Emerick as Chairman

SECOND by Mr. Lessard

VOTE: 6-0-0

MOTION PASSED

MOVED by Mr. Lessard to nominate Mr. Higgins as Vice Chairman

SECOND by Mr. Pratt

VOTE: 6-0-0

MOTION PASSED

II. CONTINUED PUBLIC HEARINGS

1. Brian Hayes
Special Permit to construct a 2-unit residential condominium within the Wetlands Conservation District at
0 Post Road
Map 43, Lot 9
Owner of Record: George J. Foster Company, Inc.

Stephen Ells, Attorney, and the applicant presented this application. Mr. Ells first congratulated the new Chairman and Vice Chairman. Then he stated that this property has been owned by the Fosters Daily Democrat for many years. In 1988 they were approved to construct an office building there. Mr. Hayes has an option to purchase the property. He would like to construct a duplex residential unit. Mr. Hayes has no plans to do anything with the lot other than the duplex. There is water there. There is a septic system. The applicant has secured a driveway permit. This driveway has been designed to be further away from the wetland as requested by the Board.

BOARD

Mr. Higgins asked if there was any frontage on this lot. Mr. Ells stated that there is a large right-of-way for Post Road and that represents the frontage.

Mr. Gillick stated, for purposes of clarification, the frontage is on State Route 151 – Post Road.

Mr. Fougere stated the Driveway Permit has been issued. He also indicated that the Conservation Commission is concerned about the proposal. In their letter, they did request Grasspave2, rather than a paved, sealed driveway.

Mr. Lessard asked who would maintain Old Post Road. The applicant said he would. Mr. Lessard asked if the driveway could be moved out of the buffer zone. Mr. Lessard stated the Board has been discouraging people from constructing in the buffer zone.

Mr. Fougere asked if the structure would be elevated. Mr. Hayes stated it would be on a slab.

Mr. McMahon asked the status of Old Post Road. It was clarified that the driveway will be on state property.

Mr. Lessard said that a cape-style structure was built at 2 Post Road. The Board asked them to move everything out of the wetland buffer zone. He indicated the Board should be consistent in its determinations.

PUBLIC

None

BOARD

MOVED by Mr. Gillick to grant the special permit subject to the following conditions:

- Use of Grasspave2;
- Payment of the appropriate school impact fee.
- The Conservation Commission is notified prior to any site construction and when construction is complete

SECOND by Mr. Higgins

VOTE: 5-1-0

MOTION PASSED

2. Drakes Appleton Corporation

Site Plan Review to construct a **48-Unit Condo** with associated parking, utilities, sewer, water,

& with 2 options for stormwater control plans at

180 Drakeside Road (rear)

Map 172, Lot 12-1

Waiver requested: For Option A only, Site Plan Regulations Section VII.D.2. (match peak runoff events)

Owner of record: Morgan Ryan Realty Trust

Jurisdiction accepted October 6, 2004, extended by applicant

3. Drakes Appleton Corporation

Special Permit to work within the Wetlands District, associated with **48 unit Condominium** at 180 Drakeside Road (rear)

Map 172, Lot 12-1

Owner of record: Morgan Ryan Realty Trust

Mr. Lessard recused himself from this application.

Mike Donahue, Attorney, Tom Nigrelli, applicant, Joe Coronati, Engineer, and Bill Rossignol, Traffic Engineer presented this application.

Mr. Donahue stated the traffic study was done and reviewed by the Board's consultant and that the result was favorable.

Mr. Rossignol, Holden Engineering, was hired by Mr. Nigrelli to prepare the traffic study. The original study was done in 2004 and this went to DAI for review. The biggest change from

the first study to this current one is a larger area studied. The expansion included the intersection of Drakeside Road and Route 1. The other thing he did was to provide more back up for the assumptions he made. The Board asked him to look at the speeding issue on Drakeside Road. The conclusions originally drawn were that, now and 10 years out, the intersection (going from a T to 4-way) would be "B" or better. He analyzed both intersections at Route 1 and Drakeside Road (northbound Route 1 and Southbound Route 1). The intersection with Southbound Route 1 is operating at "B/C" level now and would operate at "C" level 10 years out. Movement at the intersection onto Route 1 northbound is operating at "C" level now and would go to "D" level 10 years out.

The Board then asked Mr. Rossignol to explain these letter designations. He indicated that the grading system uses the letters A through F to indicate amount of delay entering traffic at an intersection.

A means very little delay

B means 10 to 15 seconds delay

F means greater than 50 seconds of delay to get out into the intersection

He then indicated that there is good sight distance in both directions from the proposed buildings' driveway.

Regarding speed, the posted speed is 30 MPH. His study determined that people are speeding on Drakeside Road. The average speed was recorded at 37 MPH. There were some vehicles doing 55-60 MPH.

He spoke with the Department of Public Works regarding improvements to the road over the past 5 years. There has been routine maintenance only. At the trestle overpass there is a constant drainage problem. Debris gets over the catch basins, preventing water from draining off. The trestle has low clearance and is narrow. In 10 years there have been 2 accidents related to the trestle. He said it would be a major undertaking to rebuild the trestle to today's standards. He indicated that VAI has reviewed the new study. They completed their own study, and they agreed with the conclusions reached. The project will not have a significant negative impact on Drakeside Road. It was brought up what to do with the trestle to make it safer. One thing would be to put guardrails on either side of the trestle. Mr. Nigrelli might help with that.

Mr. Nigrelli asked if the Board had other questions.

Mr. Higgins asked where the gate was on the property. Mr. Coronati noted the location. Mr. Coronati said the gate design would be subject to review with the Fire Department. Mr. Nigrelli said they had talked with Ambit Engineering. All of their recommendations were incorporated into the plans. As to the recreation trail, it will be finely mowed, except for the small bridges over the wet areas on the path.

Mr. Nigrelli encouraged the Board to do a site walk at 241 Drakeside Road. He is looking at amending the application to age restrict the project. If it becomes age restricted, the number of units would be reduced to allow community space in each building. One 1-bedroom unit would be taken from each building to provide this community space.

PUBLIC

Marilyn Parsons, 95 Hampton Meadows, asked for clarification on the traffic study. She stated that the problem at the intersection of Drakeside Road and Route 1 is not delay, it is backup. She is uncomfortable with the speed results in the study. She is concerned that 241 Drakeside Road is not at full occupancy. And there will be more traffic as that fills. Mr. Nigrelli clarified that the study was based on full occupancy.

John Goclowski, 3 Hampton Meadows, stated there is a petition before the Zoning Board of Adjustment for tomorrow night to construct another multi-family dwelling next to this project.

He states that it is a cumulative effect from all the large projects being approved on Drakeside Road that causes the problem. He then referred to a major study completed two weeks ago by TRIP. They use data provided by the Federal Transportation Board. He provided an abstract of this report to the Board members and to the applicant. This study states that there are more accidents on rural roads than on any other types of roads. 52% of fatalities in the past 4 years have occurred on rural roads. He indicated Drakeside Road cannot be improved to reduce traffic danger. He suggested not approving project.

Kreon Cyros, 100 Hampton Meadows, indicated the applicant's traffic study was done for only one day. He questioned the validity of projecting this data over 10 years. He pointed out it was in winter, not during the summer heavy travel period. He quoted from a former professor at MIT "one point does not an arc make". It takes a minimum of 3 experiences to be able to project data forward.

He also noted that when the Exeter Road bridge is under repair, traffic would be directed onto Drakeside Road.

In his opinion the lines of sight are not adequate. Also at the trestle bridge, snow is left under the bridge, making the road narrower than it already is.

BOARD

Mr. Gillick asked for clarification as to which items the Board was dealing with. Chairman Emerick said Items 2 and 3. Mr. Gillick then stated the following:

"Mr. Chairman, I have listened carefully to the public input on these proposed multi-family projects on the south side of Drakeside Road. I have heard two recurring concerns. One is the environment; the other is highway traffic and safety.

Mr. Chairman, you and I know that this Board has a long history of being concerned about the environment, and, with 4 layers of governmental oversight and expertise in place, I suggest that we can agree that any concerns on that subject will be addressed responsibly by those to whom that has been delegated.

The other concern is traffic and safety. Mr. Chairman, while you and I have served on this Board, we have seen the redevelopment of what we knew as the Woodman Farm into what I will describe as the Hampton Meadows and Walker Court projects. This has happened on the north side of Drakeside Road west from the tidal culvert to Walker Court.

I visited recently with Mr. Estes, our Assessor, and we concluded that about 80 to 100 million dollars of value has been added to our tax base by this, with little additional demand added for public services. This certainly seems meritorious, but once again, the unintended consequence is greatly increased traffic and, Mr. Chairman, this has happened while, what I refer to as the "sleeping giant", the former EBPA property has remained vacant.

Mr. Chairman, I am not a traffic expert, but I have been licensed to operate motor vehicles for about 65 years; I drove big 6x6 Army trucks in China during World War II, and for over twenty years I was a licensed and certified fire apparatus operator in Connecticut. I think I know a "country road" when I see one; and that is how I would describe Drakeside road. It is my opinion that there is a traffic problem on Drakeside Road, both local and commuter generated. The addition to the Master Plan, which we recently adopted, on page 2-18 refers to the need for Drakeside Road to be upgraded.

Our Site Plan Review Regulations derive their authority from the State Statutes, RSA 674:44, in particular, entitled "Site Plan Review Regulations". Section VI A of our Site Plan Review Regulations goes into great detail about "Traffic Impact Analysis". When I read in RSA

674:44 II (e) that we should ‘require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford.... Access for firefighting apparatus and equipment to buildings’ my concerns about these proposed projects grow.

Mr. Chairman, it is my observation that Drakeside Road is a narrow road. At the tidal culvert area there is a sign calling attention to the Salt Marsh Restoration Project. I am proud of that sign because I represent Hampton on the New Hampshire Estuaries Management Board, which is responsible for funding most of that work. It almost seems hypocritical to think that we will have to ask EPA to allow us to widen the road in that area. I do not think there will be a quick and easy answer and solution.

And then as we move easterly, we come to that classic example of 19th century state of the art railroad engineering – the overpass, referred to in the new Master Plan Section 2A 18 as ‘unsafe’. How and when we widen that is beyond me; and this is where ‘access for firefighting apparatus and equipment’ comes into thought - mutual aid fire station locations would use Lafayette Road. Ladder trucks would be a problem. And since the buildings would be higher than 39 feet, ladder trucks would probably be required.

If we had the authority to declare a moratorium on multi-family projects on the south side of Drakeside Road until necessary highway improvements are made there to satisfy RSA 674:44, I would propose that. We do not have that authority. We can only approve or deny.

Therefore, Mr. Chairman, with all due respect for the applicant, I move that these projects be denied as failing to meet the standards set forth in RSA 674:44, particularly with respect to streets and fire safety.”

The Master Plan states that Drakeside needs to be upgraded. RSA 674:44 II– Site Plan Review Regulations go into great detail on traffic flow. The Master Plan states that the trestle is unsafe. I have concerns about response of mutual aid from other towns to an emergency event on Drakeside because of the trestle.”

MOVED by Mr. Gillick to deny on basis they do not meet standards of RSA 674:44

SECOND by Mr. Pratt

Mr. Donahue stated that previous Selectman members have stepped down because the Town is an abutter to the project.

Mr. Pratt withdrew his second to the motion and stepped down.

SECOND by Mr. McMahon

VOTE: 3-1-0

MOTION PASSED

4. Drakes Appleton Corporation
Site Plan Review to construct **36 unit Townhouse** condominiums at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Waiver Requested: Site Plan Regulations Section VII.D.2 (increase in stormwater runoff)
Owner of Record: Morgan Ryan Realty Trust
Jurisdiction accepted March 3, 2004, extended by applicant
5. Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with **36 unit Townhouse** at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust

Mr. Donahue asked for a postponement of these applications to the April 20th meeting.

MOVED by Mr. Gillick to grant request of applicant for postponement.

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

I. CONSIDERATION OF MINUTES – MARCH 2, 2005

Present: Change to indicate that Mr. Higgins was present.

Page 2 - reword to read, 'project may be 40 feet away and may be within the wetland buffer'

Page 2 – reword to read 'Zoning Board and Conservation Commission (last 2 lines of page)

Vote – change the vote to read 5-0-1, rather than 5-1-0

MOVED by Mr. Gillick to accept the minutes as amended

SECOND by Mr. Higgins

VOTE: 4-0-2

MOTION PASSED

CORRESPONDENCE

Mr. Fougere indicated there were issues to be addressed regarding the Golden Corridor application. He asked Mr. Coronati to stay for this discussion.

Yacht Club: Mr. Fougere stated that he remembered a great deal of discussion of the yacht club/clubhouse portion of the project when the application for Phase I was addressed.

Thibeault Corporation, the new owner of Phase I and potential owner of Phase II is concerned about this clubhouse. Mr. Coronati stated that the zoning density is 31 units, so the project could handle an additional dwelling unit. They wish to make a request to turn the clubhouse into an additional dwelling unit. There were many stipulations on the site plan at the time of Phase I that need to be cleaned up.

Mr. Higgins stated that it would not be possible for this clubhouse structure to be purely residential. There is an office there for the 20-slip marina; there is a Jet Ski business; there are vending machines and public restrooms, etc.

Mr. Gillick said the Board had a long and serious discussion of this facility and the limits of its use at the time of the original application. This should all be in the meeting minutes. The Board had discussed the "club", and it had made its intentions clear at that time. He is opposed to rehashing the use of that building.

Mr. Higgins stated that his understanding was that this is a privately held common area.

Mr. Ernie Thibeault from Thibeault Corporation stated that his understanding is that it is a "yacht club/residence". Also, according to Mr. Maynard, the Jet Ski business is gone. He would like clarification of the status of the marina slips. His understanding is that the condominium owners have right of first refusal for the slips.

Mr. Higgins stated that Phase 3 of the project was going to participate in this private club.

Mr. Gillick stated that the Board had approved the site plan. There were conditions on that site plan. There is no question as to what has been approved.

Mr. Thibeault stated that he did not believe it was clear whether Phase 3 was involved with the clubhouse/yacht club.

Mr. Gillick stated that if the owner wants to change to site plan, it should be taken up as a site plan change.

Mr. Thibeault states that it is a yacht club, but it is unclear who would use the clubhouse and the pool. The Board advised him to look at minutes of the Planning Board meetings where this was discussed. He could also look at the plans for all of the phases of the project.

Mr. Thibeault indicated that he is willing to go ahead with the project with this structure as a yacht club.

Mr. Emerick stated that it definitely was common area and not a residence.

Mr. Fougere stated that the new owner can submit a revised plan if he wishes to do so.

Retaining Wall: The next issue to be addressed is the retaining wall on the Gephardt property. As part of the site plan approval, a retaining wall was to be built on this abutter's property. The Gephards have since agreed that a riprap wall is acceptable instead of the original wood and steel wall planned.

Mr. Higgins doesn't understand how they can change from a vertical wall to an angled wall that extends 9 to 10 feet into the ocean. He asked if Thibeault Corporation got permission to do that, since the waters are State property.

Mr. Coronati agreed that it is state land and waters. Jurisdiction falls under the Wetland Bureau. Mr. Coronati contacted Mr. Richardson at that Bureau, and Mr. Richardson responded that he concurred with the use of riprap.

Scott Kilgore stated he had been working with the Gephards during the project. During conversations, the possibility of riprap as an alternative to the vertical wall was discussed. Mr. Kilgore consulted with Mr. Coronati on this. He is proposing to change material to stone only. With this material 9 feet out is needed for construction.

After discussion, it was determined that a permit is needed from the State for the retaining wall. Mr. Coronati asked if the retaining wall change required an amended special permit from the Planning Board. Mr. Gillick suggested the applicant come in to the Town Office in the morning and ask for an expedited revised special permit, which would be addressed at the next Board meeting. Mr. Emerick stated that, as a matter of law, a revised permit is needed pending state approval.

Mr. Higgins stated that one of the conditions of Phase 3 was widening of the road at the intersection. This is reflected in the minutes of September 17, 2003.

Katie Lane Bond: Mr. Fougere advised that an informational memo was received by Mr. Harwood from Mr. Hangen regarding the Katie Lane bond. He lists deficiencies on Katie Lane.

MOVED by Mr. Gillick to authorize that the appropriate action be taken

SECOND by Mr. Pratt
VOTE: 5-0-0

MOTION PASSED

Mr. Fougere advised that a letter was received from Lee Ann Tondry requesting an extension of approval for a lot line adjustment. The Board was not clear on what this involved and asked Mr. Fougere to follow up.

Mr. Fougere distributed a survey from UNH to the Planning Board Members. He asked them to complete it at their earliest convenience and send it back to UNH.

Mr. Fougere indicated there was a letter from TRIP, which would be copied and distributed to Board members.

II. OTHER BUSINESS

The Chairman thanked Mr. Fougere for filling in for the Town Planner. Mr. Fougere said he would try to get in once a week.

MOVED by Mr. Gillick to adjourn.
SECOND by Mr. Pratt
VOTE: 5-0-0

MOTION PASSED

Meeting adjourned at 9:03 PM.

Respectfully Submitted,
Barbara Renaud
Acting Planning Board Secretary